

**REGULAR MEETING OF THE BOARD OF COUNTY COMMISSIONERS  
PONDERA COUNTY, MONTANA  
Held in November 2023**

The Board of Pondera County Commissioners met daily in informal session and in scheduled meetings on November 1, 8, 15, 22, and 29, 2023.

**NOVEMBER 1, 2023 REGULAR MEETING OF THE COMMISSION:**

PRESENT: Commissioner Jim Morren, Commissioner Tom Kuka, Commissioner Zane Drishinski, Clerk & Recorder Kody Farkell, Public- Paul Anderberg

VALIER AIRPORT HANGAR LEASE APPROVED

Commissioner Drishinski moved and Commissioner Kuka seconded to approve the Valier Airport Hangar Lease with Peter Peterson Sr for Unit C2 (512 square feet) in the amount of \$320 per year, effective October 1, 2023. Motion carried.

GRANT APPLICATION SUBMITTED FOR AMBULANCE BARN

Commissioner Morren reported he signed and submitted the grant application in the amount of \$2,700,000 for an ambulance barn with the Department of Energy Office of Clean Energy.

SEPTEMBER & OCTOBER COMMISSION MINUTES APPROVED

Commissioner Kuka moved and Commissioner Drishinski seconded to approve the September & October 2023 Minutes of the Commission. Motion carried.

OPENED ENGINEERING STATEMENT OF QUALIFICATION SUBMISSIONS

Requests for Engineering Qualifications for a Principal Consultant to provide Airport Engineering Services for the Conrad Airport were opened. The Consultant selected must provide environmental services, design, construction inspection coordination, and administration of all project stages for a variety of projects for a term of five years.

One submission was received from Robert Peccia & Associations, Inc. of Helena.

Commissioner Kuka moved to take the submission under advisement and review. Commissioner Drishinski seconded. Motion carried.

NOTICE OF LAWSUIT

Commissioners received notice dated November 15, 2023 from the Montana State Supreme Court that Pondera County, with 48 counties, is being sued by the Montana Quality Education Coalition.

**NOVEMBER 8, 2023 REGULAR MEETING OF THE COMMISSION:**

PRESENT: Commissioner Jim Morren, Commissioner Tom Kuka, Commissioner Zane Drishinski, Clerk & Recorder Kody Farkell, Public- Paul Anderberg

AGREEMENT WITH STAHLY ENGINEERING FOR SURVEY REVIEW SERVICES

Commissioner Drishinski moved to approve the Professional Services Agreement with Stahly Engineering for reviewing all Surveys and Subdivisions to be recorded in Pondera County. Commissioner Kuka seconded. Motion carried.

SELECTION OF PRINCIPAL CONSULTANT FOR AIRPORT ENGINEERING SERVICES

One Statement of Qualifications was received and reviewed at the November 1<sup>st</sup> Commission meeting. Commissioner Kuka moved and Commissioner Drishinski moved to table selection of a Principal Consultant until current projects at Conrad Airport are complete. Motion carried.

MONTANA NATURAL RESOURCES COALITION DUES

Commissioner Kuka moved to table paying dues for the Montana Natural Resources Coalition until more information can be obtained about the organization. Motion carried.

ENCROACHMENT AGREEMENT REQUESTED BY PHILLIPS 66 CARRIER LLC  
 Commissioner Kuka moved to approve an Encroachment Agreement for Phillips 66 Carrier LLC to repair a gas line on Manta Road. Commissioner Drishinski seconded. Motion carried.

**NOVEMBER 15, 2023 REGULAR MEETING OF THE COMMISSION:**

PRESENT: Commissioner Jim Morren, Commissioner Tom Kuka, Commissioner Zane Drishinski, Clerk & Recorder Kody Farkell, Public- Paul Anderberg

ENTERED INTO AGREEMENT FOR ENGINEERING SERVICES AT THE CONRAD AIRPORT –

One request for Engineering Qualifications for a Principal Consultant to provide Airport Engineering Services for the Conrad Airport were received and opened on November 15, 2023. After reviewing the proposals, Commissioner Kuka moved to hire and Robert Peccia & Associates, Inc. to provide environmental services, design, construction inspection coordination, and administration of all project stages for a variety of projects for a term of five years. Commissioner Drishinski seconded. Motion carried.

MEMBERSHIP DUES FOR NATURAL RESOURCE COALITION

Commissioner Drishinski moved and Commissioner Kuka seconded the payment of \$5,563 for membership dues for the Natural Resource Coalition. Motion carried.

RESOLUTION FOR REVISING SUBDIVISION AND SURVEY REVIEW SCHEDULE OF FEES

PONDERA COUNTY, MONTANA  
 RESOLUTION #12 – 2023/24

REVISING SUBDIVISION AND SURVEY REVIEW SCHEDULE OF FEES

WHEREAS, Section 76-3-602, MCA, allows a governing body to establish reasonable fees to be paid by the subdivider to defray the expense of reviewing subdivision applications; and

WHEREAS, Sections 76-3-201 and 76-3-207, MCA, allow a governing body to establish reasonable fees for the review of certain exemptions from subdivision review; and

WHEREAS, third party review fees are incurred by Pondera County and reimbursed by the applicants including, but not limited to, examining land survey review and Administrative Rules of Montana compliance review;

WHEREAS, the Pondera County Commissioners have reviewed the fee schedule established in 2020 and concluded the fees are not representative of the costs associated with reviewing current subdivision applications, exemptions and third-party reviews; and

WHEREAS, the Pondera County Commissioners establish a schedule of fees, attached as Exhibit A, to be paid by the subdivider, to defray the County's cost of reviewing subdivision applications, exemptions and third-party reviews.

NOW THEREFORE BE IT RESOLVED that the Pondera County Commissioners hereby adopts the schedule of review fees for subdivision applications under the Subdivision Regulations of Pondera County, set forth in Exhibit A attached hereto, for the purpose of reviewing a subdivision/survey application in Pondera County, pursuant to the provisions of Sections 76-3-101, MCA.

Adopted this 15<sup>th</sup> day of November, 2023 as moved by Commissioner Kuka, seconded by Commissioner Drishinski, and passed on a 3-0 vote of the full board. Effective December 1, 2023.

BOARD OF COUNTY COMMISSIONERS

**November 2023**

Pondera County, Montana

/s/ Jim Morren  
Jim Morren, Chairman

/s/ Thomas A Kuka  
Thomas A Kuka, Member

ATTEST: /s/ Kody L Farkell  
Kody L. Farkell, Clerk & Recorder

/s/ Zane Drishinski  
Zane Drishinski, Member

EXHIBIT A

COUNTY SUBDIVISION / SURVEY  
FEE SCHEDULE  
(Effective December 1, 2023)

All fees paid to the County Clerk & Recorder

1. Administrative Rules Montana (ARM) & Examining Land Surveyor (ELS) Reviews = \$400
2. Exemption Criteria Review = \$400
3. Variance Request Application = \$300
4. Noxious Weed Management Plan
  - Proposed Subdivisions of:
  - Five or fewer lots - \$75 plus mileage (at state rate)
  - Six or more lots - \$75 plus mileage (at state rate)
5. Expedited Minor Subdivisions (1-2 Lots):
  - Pre-Application Meeting = \$400
  - Preliminary Plat Submittal = \$2,850
  - Final Plat Submittal = \$1,000
6. Minor Subdivisions:
  - Pre-Application Meeting = \$400
  - Preliminary Plat Submittal = \$2,000 + \$100 for each lot over 3
  - Final Plat Submittal = \$1,000
7. Major Subdivisions or Planned Unit Developments:
  - Pre-Application Meeting = \$400
  - Preliminary Plat Submittal = 4000 + \$100 for each lot over 6
  - Final Plat Submittal = \$1,000
8. Plat/Certificate of Survey Recording Fees = \$25.00 +.50 per lot

Notes:

- Occasionally, non-standard reviews and professional consulting are required. These will be assessed on a case-by-case basis and passed on to the applicant by Pondera County.
- Other fees, which may be assessed by other departments, include the Clerk and Recorder, Sanitarian, Road, and Weed Departments.

RESOLUTION FOR DECLARING PROPERTY SURPLUS AND SETTING SALE  
PONDERA COUNTY  
RESOLUTION #13 – 2023/24

DECLARING PROPERTY SURPLUS AND SETTING SALE

WHEREAS, pursuant to Section 7-8-2211, MCA, Authorization to sell and exchange county property, the Board of Pondera County Commissioners declares the following personal property belonging to the County as surplus property which is not necessary to the conduct of county business or the preservation of its property:

Adams V Plow Unit	Balderson V Plow Unit	2018 Ford F150 XL
Two (2) 2005 Case IH MXM 120 Tractors		Linde 650 Welder

November 2023

2010 Chevy Silverado 1500	Health O'Meter Scale	Western snow plow
Vollrath Convection Oven	SPT Freezer	Saturn Refrigerator
Rodger 60 ton Hydraulic Press	Yale & Towne 3 Ton Chain Hoist	

WHEREAS, the Commissioners have determined it is in the best interests of the County to sell the item at online public sale by public auction through the State of Montana; and

WHEREAS, an ad will run in the Valerian and the Independent Observer on November 29 and December 6 advertising the auction, which will run from December 6 to December 20.

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners:

- 1) hereby declares the property listed above as surplus property which is not necessary to the conduct of county business or the preservation of its property,
- 2) directs the property be sold at online public auction through the Public Surplus Auctions; and

ADOPTED this 15<sup>th</sup> day of November, 2023, as moved by Commissioner Kuka, seconded by Commissioner Drishinski, and passed on a 3-0 vote of the board. Effective on passage and approval

BOARD OF COUNTY COMMISSIONERS  
Pondera County, Montana

/s/ Jim Morren  
Jim Morren, Chairman

/s/ Thomas A Kuka  
Thomas A Kuka, Member

ATTEST: /s/ Kody L Farkell  
Kody L. Farkell, Clerk & Recorder

/s/ Zane Drishinski  
Zane Drishinski, Member

RESOLUTION FOR DECLARING PROPERTY SURPLUS AND DISPOSAL  
PONDERA COUNTY  
RESOLUTION #14 – 2023/24

DECLARING PROPERTY SURPLUS AND DISPOSAL

WHEREAS, pursuant to Section 7-8-2211, MCA, Authorization to sell and exchange county property, the Board of Pondera County Commissioners declares the following personal property belonging to the County as surplus property which is not necessary to the conduct of county business or the preservation of its property:

Eight (8) Desktops                      Two (2) Laptops

and

WHEREAS, the Commissioners have determined, pursuant to Section 7-8-2217, MCA, Procedure or sale of property of lesser value, it is in the best interests of the County to dispose of the above-listed surplus property.

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners:

- 3) hereby declares the property listed above as surplus property which is not necessary to the conduct of county business or the preservation of its property,
- 4) agrees to dispose of a miscellaneous surplus items listed above

ADOPTED this 15<sup>th</sup> day of November, 2023 as moved by Commissioner Drishinski, seconded by Commissioner Kuka, and passed on a 3-0 vote of the board. Effective on passage and approval.

BOARD OF COUNTY COMMISSIONERS  
Pondera County, Montana

/s/ Jim Morren  
Jim Morren, Chairman

/s/ Thomas A Kuka  
Thomas A Kuka, Member

ATTEST: /s/ Kody L Farkell  
Kody L. Farkell, Clerk & Recorder

/s/ Zane Drishinski  
Zane Drishnski, Member

**NOVEMBER 22, 2023 REGULAR MEETING OF THE COMMISSION:**

PRESENT: Commissioner Jim Morren, Commissioner Tom Kuka, Commissioner Zane Drishinski, Clerk & Recorder Kody Farkell, Deputy Clerk & Recorder Tammy Bartsch

EXPENDITURES IN EXCESS OF \$500-APPROVED

Commissioner Kuka moved to approve the purchase of 9 extra feet of culvert for the Messenger Road project for Pondera County Road/Bridge Department in the amount of \$47,000.00. The funds for this purchase will come out of the Road/Bridge Capital Improvement. Commissioner Drishinski seconded. Motion carried.

MODIFIED CONTRACT WITH AMERESCO

Commissioner Kuka moved and Commissioner Drishinski approved a contract modification for the amount of \$7,500.00 with Ameresco for Pondera County courthouse boiler project. Motion carried.

**NOVEMBER 29, 2023 REGULAR MEETING OF THE COMMISSION:**

PRESENT: Commissioner Jim Morren, Commissioner Tom Kuka, Commissioner Zane Drishinski, Clerk & Recorder Kody Farkell, Deputy Clerk & Recorder Tammy Bartsch, Road/Bridge Superintendent Steve Kaphammer, Public- Scott Ulrich, Janice Farkell, Ross Depner, Pinky Thaut, Carol Keller, Jaynie Gollehon

Public Comment-

Members from the Brady Community were present to discuss the poor drainage issue in the town of Brady. Steve Kaphammer proposed the county installs 4 culverts and ditch running east towards Interstate 15. Commissioners took all discussion under advisement.

CONTRACT WITH NEWFIELDS COMPANIES LLC

Commissioner Drishinski moved and Commissioner Kuka seconded to approve a contract with Newfields Companies, LLC. Newfields Companies, LLC will be performing services of analyses of soil, water, air, waste and processed effluents data at the Roy Davis property in Valier, Montana. Motion carried.

CLAIMS APPROVED FOR PAYMENT

Fund	Fund Description	
1000	GENERAL	138,351.04
2110	ROAD	23,962.10
2130	BRIDGE	111.00
2140	WEED	1,501.08
2160	COUNTY FAIR	125.00
2170	AIRPORT	16,756.82
2230	AMBULANCE	172.09
2235	COUNTY HOSPITAL	20,430.67
2290	EXTENSION SERVICE	7,026.81
2300	PUBLIC SAFETY (LAW ENFORCEMENT)	8,144.38
2401	BRADY LIGHTS MAINTENANCE	348.60
2820	GAS APORIONMENT TAX	2,914.84
2830	JUNK VEHICLE	1,012.89
2850	911 EMERGENCY	2,847.18
2862	PONDERA CO GROWTH POLICY	4,333.98
2866	NORTHERN TRANSIT INTERLOCAL	550.70



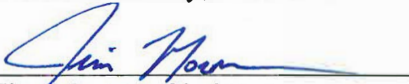
2958	EP (DES) GRANTS	366.68
2963	ORAL HEALTH SERVICES GRANT	1,979.17
2964	ALLIANCE FOR YOUTH	106.25
2971	WIC GRANT	125.47
2973	MATERNAL CHILD HEALTH	12.89
2976	IMMUNIZATION ACTION GRANT	517.47
2978	CHRONIC DISEASE GRANT	174.14
2995	ARPA	106,263.73
2996	LATCF	6,166.47
4009	PUBLIC SAFETY CAPITAL IMP	18,049.58
4012	GENERAL FUND CAPITAL IMP	2,190.56
4013	ROAD/BRIDGE EQUIP PURCHASE	17,300.00
7920	REFUND FUND	168.44

TOTAL CLAIMS		382,010.03
TOTAL PAYROLL	\$	319,011.29
TOTAL CLAIMS AND PAYROLL FUNDS	\$	701,021.32

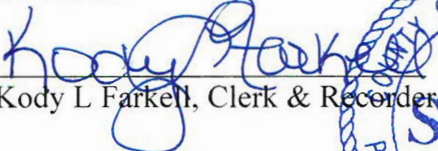
ADJOURNMENT

The meeting adjourned at 5:00 p.m. on November 29, 2023

Pondera County, Montana.

  
 Jim Morren, Chairman

ATTEST:

  
 Kody L Farkell, Clerk & Recorder

